

**IN THE CLAIMS**

Please amend the claims as indicated:

1. (Currently Amended) A method of communication in a wireless system comprising:

determining a probability of a stalling condition at a receiver for at least one data packet in a sequence of data packets, the stalling condition probability being

- 5 determined as a function in relation to a state of at least one system parameter for the wireless system; and

transmitting a flush command to the receiver ~~in response to based on~~ the determined probability of the stalling condition, the flush command being operative to terminate the stalling condition.

2. (Cancelled)

3. (Previously Presented) The method of claim 1, wherein the at least one wireless system parameter comprises a size of the sequence of data packets, a number of repeat request processes, at least one priority for each of the number of repeat request processes, a probability of error over an uplink and a probability of error over a 5 downlink.

4. (Currently Amended) The method of claim 1, comprising:

estimating a wait time, prior to the transmitting of a flush command, ~~in response to as a function of~~ the determined probability of the stalling condition.

5. (Original) The method of claim 4, wherein the step of estimating a wait time comprises:

determining an average number of time slots for at least a first data packet prior to transmission.

6. (Previously Presented) The method of claim 5, wherein the step of determining an average number of waiting time slots comprises:

queueing at least the first data packet for transmission; and

- 5 determining if a second data packet having a lower sequential designation than the first data packet has stalled.

7. (Original) The method of claim 6, wherein the step of transmitting a flush command comprises:

transmitting the first data packet in response to determining the second data packet has stalled.

8. (Original) The method of claim 7, wherein the step of transmitting the first data packet comprises:

determining if the second data packet is designated for a particular memory location.

9. (Original) The method of claim 8, wherein the particular memory location is at one end of a finite buffer.

10. (Original) The method of claim 1, comprising:  
transmitting a recommended range for a service time-out condition in response to the determined probability of a stalling condition.

11. (Original) The method of claim 10, wherein the service time-out condition corresponds with at least one of a high-speed downlink packet access service and a high-speed uplink packet access service.

12. (Currently Amended) A method of communication comprising:  
receiving a recommended range for a service time-out condition;  
transmitting a service time-out range in response to the received recommended range;

5 wherein the recommended range for a service time-out condition is generated in response to determining as a function of a probability of a stalling condition for a packet in a sequence of data packets, the probability of a stalling condition determined in relation to a state of at least one system parameter for the wireless system.

13. (Cancelled).

14. (Cancelled) The method of claim 12, wherein the probability of a stalling condition is determined in response to at least one wireless system parameter.

15. (Currently Amended) The method of claim [[14]] 12, wherein the at least one wireless system parameter comprises a size of the sequence of data packets, a number of repeat request processes, at least one priority for each of the number of repeat request processes, a probability of error over an uplink and a probability of error over a downlink.